

Thomas B. McGurk  
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January 15, 2003

**VIA FEDERAL EXPRESS**

Mr. Tom Dorman  
Executive Director  
Kentucky Public Service Commission  
211 Sower Boulevard  
Frankfort, KY 40602-0615

Re: AT&T Broadband Phone of Kentucky, LLC's Notice of Intent to Adopt  
Interconnection Agreement and Petition Requesting Commission Order,  
Authorization, or Permission For Approval of Adoption of Interconnection  
Agreement

Dear Mr. Dorman:

Enclosed for filing with the Public Service Commission is the original and thirteen (13) copies of AT&T Broadband Phone of Kentucky, LLC.'s Notice of Intent to Adopt Interconnection Agreement and Petition Requesting Commission Order, Authorization, or Permission For Approval of Adoption of Interconnection Agreement

Please stamp the two (2) extra copies of the Petition and return in the envelope provided.

I am licensed to practice in the Commonwealth of Kentucky and in good standing with the Kentucky Bar Association.

If you have any questions, please call Loretta Cecil, Esq. at (404) 888-7437.

Best regards,

**WOMBLE CARLYLE SANDRIDGE & RICE**  
***A Professional Limited Liability Company***

Thomas B. McGurk, Esq.

Enclosures

**COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION**

In The Matter Of: Adoption Of	)	
Interconnection Agreement	)	
Between ALLTEL Kentucky, Inc.	)	
And AT&T Of The South Central	)	Case No.
States, LLC By AT&T Broadband	)	
Phone of Kentucky, LLC.	)	

**NOTICE OF INTENT TO ADOPT INTERCONNECTION AGREEMENT AND  
PETITION REQUESTING COMMISSION ORDER, AUTHORIZATION, OR  
PERMISSION FOR APPROVAL OF ADOPTION OF  
INTERCONNECTION AGREEMENT**

**(EXPEDITED REVIEW REQUESTED)**

AT&T Broadband Phone of Kentucky, LLC. ("AT&T Broadband") hereby files this Notice of Intent to Adopt Interconnection Agreement and Petition Requesting Commission Order, Authorization or Permission for Adoption of Interconnection Agreement (Expedited Review Requested) ("Petition") pursuant to KRS Chapter 278, Title 807, Chapter 5, Section 8, Applications, Kentucky Administrative Regulations, and Section 252(i) of the Telecommunications Act of 1996 ("Act"), 47 U.S.C. §252(i). In support of said Petition, AT&T Broadband shows as follows:

1.

The name of Petitioner is AT&T Broadband Phone of Kentucky, LLC. having an address at 188 Inverness Drive West, Suite 400, Englewood, Colorado, 80112.

2.

AT&T Broadband is authorized to provide local and intraLATA toll telecommunications services in Kentucky pursuant to a Certificate of Public Convenience and Necessity issued by the Commission.

3.

ALLTEL Kentucky, Inc. ("ALLTEL") is authorized to provide local and intraLATA toll telecommunications services in Kentucky pursuant to a Certificate of Public Convenience and Necessity issued by the Commission. ALLTEL also is "local exchange carrier" as defined in the Telecommunications Act of 1996 ("Act").

4.

On January 14, 2003, AT&T Broadband gave notice ("Notice") to ALLTEL of its intent to adopt that certain "Interconnection Agreement between ALLTEL Kentucky, Inc. and AT&T of the South Central States, LLC" ("Interconnection Agreement"). In such Notice, AT&T Broadband made all necessary and appropriate representations to ALLTEL regarding AT&T Broadband's intent to be bound by the terms of Interconnection Agreement. A copy of this Notice (including a copy of Interconnection Agreement) is attached hereto as Exhibit 1 and incorporated herein by this reference.

5.

On January 14, 2003, AT&T Broadband also provided ALLTEL with an adoption agreement ("Adoption Agreement") to be executed by AT&T Broadband signifying AT&T Broadband's adoption of Interconnection

Agreement. A copy of this Adoption Agreement is attached hereto as Exhibit 2 and incorporated herein by this reference.

6.

AT&T Broadband is entitled to, and ALLTEL is obligated to allow, adoption of Interconnection Agreement pursuant to Section 252 (i) of the Act, 47 U.S.C. §252(i).

7.

Effective November 8, 2002, AT&T Corp. transferred its ownership interest in AT&T Broadband to Comcast Corporation.

8.

As AT&T Broadband formerly was a wholly owned company of AT&T Corp. (and thus also an affiliated company of AT&T Communications of the South Central States, LLC), it previously relied upon Interconnection Agreement for interconnection with ALLTEL in Shephardsville, Kentucky.

9.

Because AT&T Broadband is no longer an affiliated company of AT&T Communications of the South Central States, LLC, it needs to obtain its own interconnection agreement with ALLTEL for ALLTEL's Shephardsville, Kentucky exchanges on an immediate basis.

**WHEREFORE,** AT&T Broadband respectfully requests that:

- (a) the Commission conduct an expedited review of this Petition;

- (b) issue an order requiring approving AT&T Broadband's adoption of Interconnection Agreement pursuant to the terms set forth in the Adoption Agreement; and
- (c) for such other and further relied that the Commission deems reasonable and just.

Respectfully submitted, this the \_\_\_\_day of January, 2003.

By: \_\_\_\_\_  
Attorney for AT&T Broadband Phone  
Of Kentucky, LLC.  
Thomas B. McGurk, Esq.  
Womble Carlyle Sandridge & Rice PLLC  
Suite 3200  
1201 W. Peachtree Street  
Atlanta, GA 30309  
(404) 888-7462  
(404) 879-2994 (Facsimile)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the public version of the foregoing Notice of Intent to Adopt Interconnection Agreement and Petition Requesting Commission Order, Authorization or Permission for Adoption of Interconnection Agreement (Expedited Review Requested) was served upon the following party by placing a copy of the same in the United States Mail, first-class postage prepaid.

This the \_\_\_\_\_ day of January, 2003.

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Thomas B. McGurk, Esq.

CT Corporation System  
Attn: Kentucky ALLTEL, Inc.  
ALLTEL Kentucky, Inc.  
Kentucky Home Life Building  
Louisville, KY 40202

Kentucky ALLTEL, Inc.  
239 South 5<sup>th</sup> Street  
Suite 1511  
Louisville, KY 40202

ALLTEL Kentucky, Inc.  
239 South 5<sup>th</sup> Street  
Suite 1511  
Louisville, Kentucky 40202

Stephen B. Rowell, Esq.  
Kentucky ALLTEL, Inc.  
One Allied Drive, Building IV  
P. O. Box 2177  
Little Rock, Arkansas 72202

Loretta A. Cecil  
Direct Dial: (404) 888-7437  
Direct Fax: (404) 870-4826  
E-mail: lcecil@wcsr.com

January 14, 2003

VIA CERTIFIED MAIL RETURN RECEIPT

Mr. Alfred Busbee  
Staff Manager, Wholesale Services  
ALLTEL Communications, Inc.  
1 Allied Drive  
Little Rock, AR 72202

Re: AT&T Broadband Phone of Kentucky, LLC.'s Notice of Intent to  
Adopt the Interconnection Agreement between ALLTEL Kentucky,  
Inc. and AT&T Communications of the South Central States, LLC

Dear Mr. Busbee:

Our firm represents AT&T Broadband Phone of Kentucky, LLC. ("AT&T Broadband").

This letter is to inform you that pursuant to Section 252(i) of the Telecommunications Act of 1996, 47 U.S.C. §252(i), AT&T Broadband will adopt the terms and conditions of the Interconnection Agreement between ALLTEL Kentucky, Inc. ("ALLTEL") and AT&T of the South Central States, LLC ("AT&T"), as such agreement exists on the date hereof ("Agreement") in the state of Kentucky.

AT&T Broadband adopts and agrees to be bound to the terms of the Agreement, as it is in effect on the date hereof, and in applying the terms of the Agreement, agrees that AT&T Broadband shall be substituted in the place of AT&T in the Agreement.

Notice to AT&T Broadband and ALLTEL as may be required under the Agreement shall be provided as follows:



To: AT&T Broadband:  
Vice President Telephony  
AT&T Broadband Phone of Kentucky, LLC.  
188 Inverness Drive West  
Suite 400  
Englewood, CO 80112

With a copy to: General Counsel  
AT&T Broadband Phone of Kentucky, LLC.  
188 Inverness Drive West  
Suite 400  
Englewood, CO 80112

To: ALLTEL  
Staff Manager – Interconnection Services  
One Allied Drive, Building N  
Little Rock, AR 72202

With a copy to: VP-Law Interconnection  
One Allied Drive, Building N  
Little Rock, AR 72202

AT&T Broadband represents and warrants that it is a certified provider of local telecommunications service in the State of Kentucky, and that its adoption of the Agreement will cover services in the State of Kentucky only.

The term and termination provisions of the Agreement shall govern AT&T Broadband's adoption of the Agreement.

AT&T Broadband understands that ALLTEL may submit its own letter to the Kentucky Commission confirming AT&T Broadband's adoption of the Agreement. To the extent that such letter by ALLTEL provides representations as to the meaning of specific language in the Agreement or as to the status of applicable law and/or its applicability to the Agreement, AT&T Broadband shall not be bound by any of ALLTEL's statements of positions.

In the event ALLTEL desires to enter into a "stand-alone" adoption agreement relative to AT&T Broadband's adoption of the Agreement, attached hereto is AT&T Broadband's proposed draft.

Best regards,

**WOMBLE CARLYLE SANDRIDGE & RICE**  
***A Professional Limited Liability***  
***Company***

Loretta A. Cecil

Copy to:  
Stephen B. Rowell, Esq. - ALLTEL

## **ADOPTION AGREEMENT**

This Adoption Agreement ("Adoption Agreement") is effective January 14, 2003 ("Effective Date") between AT&T Broadband Phone of Kentucky, LLC. ("AT&T Broadband") and ALLTEL Kentucky, Inc. ("ALLTEL").

WHEREAS, the Telecommunications Act of 1996 (the "Act") was signed into law on February 8, 1996; and

WHEREAS, AT&T Broadband is adopting the Interconnection Agreement between ALLTEL Kentucky, Inc. and AT&T Communications of the South Central States, LLC ("Agreement") pursuant to Section 252 (i) of the Act, 47 U.S.C. §252(i); and

WHEREAS, AT&T Broadband has provided notice to ALLTEL of its intent to adopt the Agreement in its entirety for the state of Kentucky.

NOW, THEREFORE, in consideration of the promises and mutual covenants of this Adoption Agreement, AT&T Broadband and ALLTEL hereby agree as follows:

1. AT&T Broadband and ALLTEL shall adopt in its entirety the Agreement and any and all amendments to said Agreement executed and approved by the Kentucky Public Service Commission. The Agreement and all amendments are attached hereto as Exhibit 1 and incorporated herein by this reference.

2. The term of this Adoption Agreement shall be from the Effective Date as set forth above and shall expire as set forth in the Agreement.

3. AT&T Broadband and ALLTEL shall accept and incorporate any amendments to the Agreement executed as a result of any effective judicial, regulatory, or legislative action.

4. Every notice, consent, approval, or other communications required or contemplated by this Adoption Agreement shall be in writing and shall be delivered in person or given by postage prepaid mail, addressed to:

To: AT&T Broadband:  
Vice President Telephony  
AT&T Broadband Phone of Kentucky, LLC.  
188 Inverness Drive West  
Suite 400  
Englewood, CO 80112

With a copy to: General Counsel  
AT&T Broadband Phone of Kentucky, LLC.  
188 Inverness Drive West  
Suite 400  
Englewood, CO 80112

To: ALLTEL  
Staff Manager – Interconnection Services  
One Allied Drive, Building N  
Little Rock, AR 72202

With a copy to: VP-Law Interconnection  
One Allied Drive, Building N  
Little Rock, AR 72202

or at such other address as the intended recipient previously shall have designated by written notice to the other Party.

IN WITNESS WHEREOF, the Parties have executed this Adoption Agreement through their authorized representatives.

**ALLTEL Kentucky, Inc.**

**AT&T Broadband Phone of Kentucky, LLC.**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date